



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

JUL 26 1996

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Lewis Wacker
630 Nugentown Road
Tuckerton, New Jersey 08087

W Re: Route 561 Dump Site, (AKA: Gibbsboro Dump Site, Sherwin-Williams Disposal Site), Route 561 near Milford/Kresson Road, Borough of Gibbsboro, Camden County, New Jersey

Request for Information Pursuant to §104 of CERCLA, 42 U.S.C. §9604

Dear Mr. Wacker:

This letter seeks your cooperation in providing information and documents relating to the contamination of the Route 561 Dump Superfund Site in Gibbsboro, NJ ("Site").

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and the attached questions (Attachment #2) within 30 days of your receipt of this letter.

Following a request from the New Jersey Department of Environmental Protection, the EPA has identified hazardous substances, pollutants, or contaminants, at this location which include, but may not be limited to: arsenic, lead, antimony, barium, cadmium, chromium, copper, and cyanide.

Based upon our evaluation of conditions at the Site, EPA completed a removal action (as defined in Section 101(23) of CERCLA) at the Site on October 3, 1995. The removal action included: construction of a chain-link fence, placement of silt fencing in certain areas, and the collection of samples. This cleanup was conducted pursuant to our authorities under the federal "Superfund" law (the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. Sections 9601-9675).

505206



Under Section 104(e) (2) of CERCLA, 42 U.S.C. Section 9604(e) (2), EPA has broad information gathering authority which allows EPA to require persons to provide information and/or documents relating to the materials which have been or are generated, treated, stored, or disposed of at or transported to a facility; the nature or extent of a release of a hazardous substance or pollutant or contaminant at or from a facility; and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

If you have information about other parties who may have information which may assist EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

Instructions on how to respond to the questions in Attachment #2 to this document are described in Attachment #1. Your response to this Request for Information should be postmarked or received at EPA within 30 calendar days of your receipt of this letter and should be sent to:

Thomas Budroe
Removal Action Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue, Bldg 209 (MS-211)
Edison, New Jersey 08837

with a copy to:

Carl R. Howard, Esq.
New Jersey Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway
New York, NY 10007-1866

If you have any questions about this letter, or would like to discuss this matter with EPA, you may contact Thomas Budroe, at (908) 906-6191.

Inquiries from attorneys should be addressed to Carl R. Howard, Esq. at (212) 637-3216. Your cooperation is appreciated.

Sincerely yours,

Kathleen C. Callahan

Kathleen C. Callahan, Director
Emergency and Remedial Response Division

Enclosure

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question.
2. Identify each answer with the number of the question to which it is addressed.
3. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.
4. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
5. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
6. If you have reason to believe that an individual other than you may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
7. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
8. If anything is omitted from a document produced in response to this Request for Information, state the reason for and the subject matter of the omission.
9. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.
10. Whenever this Request for Information requests the identification of a natural person, or other entity, the person or entity's full name and present or last known address should also be provided.

B. Definitions

1. As used herein, at this time, the terms "Route 561 Dump Site" or the "Site" shall refer to the fenced area enclosing what is currently known as Block 18.07, Lot 9 and portions of Block 14.02, Lot 1 and Block 18.07, Lot 10 in the Borough of Gibbsboro, Camden County, New Jersey.
2. The term "you" or "respondent" shall mean the addressee of this Request for Information.
3. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. §9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.
4. As used herein, the terms "hazardous waste," "disposal" and "storage" shall have the meanings set forth in Sections 1004(5), (3) and (33) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6903(5), (3) and (33), respectively.
5. The term "waste" or "wastes" shall mean hazardous waste, industrial waste, hazardous substances, residues or by-products, including paint wastes and pollutants or contaminants, whether solid, liquid or sludge.
6. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).
7. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.
8. With respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.

9. The term "document" and "documents" includes any written, recorded computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
10. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions apply.

REQUEST FOR INFORMATION

1. State your full name, your mailing address, and the portion of the Site which you currently own or owned in the past.
2. With regard to your first visit to the Site, describe the physical characteristics of the Site and your observations during the visit, and identify all individuals who were present at the Site during the visit. Provide copies of all photographs taken by you or on your behalf in connection with the visit.
3. Have you, or anyone hired by you, ever conducted an environmental assessment, inspection, investigation, or cleanup of the Site or any portion of the Site? If yes, please provide a copy of all relevant documents, including the nature of the activity and the costs incurred for each activity.
4. From whom and when was the Site or any portion of the Site purchased? If the property was a gift or inherited provide details on how the property was purchased prior to the gifting or inheritance.
5. Did any individuals involved during the purchase of the Site, or any portion of the Site, make any representations concerning the physical characteristics of the Site including the land and the soil? If yes, describe all representations made and provide all relevant documents.
6. If the property was a gift or inheritance, did any individuals involved during the original purchase of the Site, or any portion of the Site, make any representations concerning the physical characteristics of the Site including the land and the soil? If yes, describe all representations made and provide all relevant documents.
7. Provide any details with regard to any communications between yourself, your father (Louis Wacker, Sr.), and the person (Charles Hollinger) from whom your father purchased the Site or any portion of the Site. Include a discussion on any representations concerning the property made by Mr. Hollinger or any other representatives of the John Lucas Company or Sherwin-Williams Company.
8. What activities have you conducted at the Site, or on any portion of the Site, from your date of purchase until now.
9. Were you aware at any time from the date when your father purchased the property, through the date when you obtained it and until now, that hazardous or nonhazardous chemicals, or any other industrial wastes, residues or by-products,

- including paint wastes and/or paint-related materials, were present at the Site or any portion of the Site? If so, please state the date, nature and extent of your knowledge.
10. Provide copies of all past and present leases, if any, with respect to the Site or any portion of the Site.
 11. Have you ever sold any portion of the Site?
 12. Did you, during your sale of any portion of the Site, make any representations concerning the physical characteristics of the Site including the land and the soil? If yes, describe all representations made and provide all relevant documents.
 13. During your ownership or your father's ownership of the property, has there ever been a release of any hazardous substance (see Definitions above) at the Site or any portion of the Site? If yes, state the date of the release, identify the material released, the location of the release, and the quantity of the material released.
 14. Have you ever observed petroleum sheens, discolored soils, or other indications of chemical releases during your ownership or during your father's ownership of the Site or any portion of the Site? If so, describe.
 15. State the names, telephone numbers and present or last known addresses of all individuals whom you have reason to believe may have knowledge, information or documents regarding the use, storage, disposal, generation or handling of hazardous substances, hazardous wastes and industrial wastes at the Site, the transportation of such materials to the Site, or the identity of any companies whose material may have been treated or disposed of at the Site.
 16. Did you ever obtain any real estate appraisals for the Site or any portion of the Site? If yes, provide a copy of each such appraisal.
 17. Have you or any other entity, from the time of your father's purchase, ever conducted soil-moving activities or filling at the Site or any portion of the Site? If so, describe.
 18. Other than EPA, did any government agency ever conduct any environmental investigations or cleanups at the Site or any portion of the Site? If so, identify the agency, the date of the activities and describe the activities conducted.

19. Provide copies of all documents in your possession regarding Site contamination and/or sampling results, including, but not limited to, all documents to or from engineering or environmental consultants.
20. Were any hazardous substances ever generated or removed from the Site, or any portion of the Site, by a government agency or yourself?
21. Has the Site, or any portion of the Site, been the subject of any inspection by any Town, County or State regulatory agencies concerning fire, safety, health, or occupational matters? If yes, describe each such inspection and provide copies of all relevant documents.
22. Provide copies of all maps or other depictions of the Site and any photographs in your possession that involve the Site or any other persons or companies that operated at the Site.
23. Please identify any other entities that have owned or conducted operations at the Site, or any portion of the Site, and provide any documents pertaining to such ownership or operation. For each entity, further identify the dates of their involvement at the Site, the nature of their involvement at the Site, and all evidence that hazardous substances were released or threatened to be released at the Site during the period which they owned or operated the Site.
24. State the name, address, telephone number, title and occupation of each person answering this Request for Information and state whether such person has personal knowledge of the answers. In addition, identify each person who assisted or was consulted in the preparation of this Request for Information.